



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618
Phone (617) 727-3200 Fax (617) 727-5732
TTY (617) 727-0019
www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Alexander MacLeod, R.A.
Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: February 26, 2010

Name of Appellant: SCBLL

Service Address: Charles Theocles
123 Mulberry Street
Springfield, MA. 01105

In reference to: 62-64 Commercial Street
Holyoke, MA. 01040

Docket Number: 09-832

Property Address: 62-64 Commercial Street
Holyoke, MA. 01040

Date of Hearing: 12-22-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-832

Appellant(s): Charles Theocles (o/b/o: SCB LLC) vs. Appellee(s): City/Town of Holyoke
Building Official Paul Healy

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance from 105 CMR 410.480 and M.G.L. c. 143, § 3R for the property at 62-64 Commercial Street, Holyoke, MA. In accordance with M.G.L. c. 30A, §§10 & 11; M.G.L. c. 143, §§100 & 3R; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 22, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Charles Theocles appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 105 CMR 410.480 and M.G.L. c. 143, § 3R. Section 410.480 of 105 CMR requires all dwellings containing more than three dwelling units to have a main entry door with a design that closes and locks automatically with a lock; specifically with "a lock with an electrically-operated striker mechanism." Section 3R of M.G.L. c. 143 requires that an apartment house with more than three apartments have the same design and equipment listed above in 105 CMR 410.480. The Appellant requests a variance of this provision, as the owner of an apartment building with more than three units, so that a non-electrical heavy duty mechanical lock mechanism can be installed. Appellant makes this request due to the frequent destruction of required electronically-operated striker mechanism locks in buildings in the area. The motion is contingent upon the owner installing mechanical heavy locks instead, due to the fact that this is a high crime area. No testimony was presented in opposition of the motion. There was a second on the motion and board vote was taken, which was unanimous.

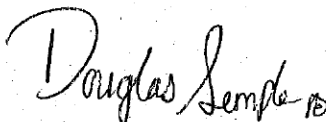
¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

Conclusion

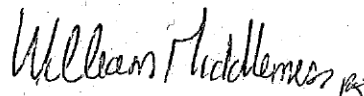
The Appellant's request for a variance from 105 CMR 410.480 and M.G.L. c. 143, § 3R is hereby **granted** as described in the discussion above and so ordered² on this date February 18, 2010.



Alexander MacLeod



Douglas Semple



Bill Middlemiss

² In accordance with M.G.L. c. 30A, § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.